

(2) THE PROVISIONS OF THIS SUBSECTION DO NOT INCLUDE THE APPLICATION OF USED OIL TO ROADS FOR MAINTENANCE PURPOSES AS AUTHORIZED BY LAW, OR THE USE OF USED OIL AS A FUEL, OR THE USE OF USED OR RECYCLED OIL FOR MAINTENANCE OR LUBRICATION OF AGRICULTURAL EQUIPMENT.

(G) REPORT TO GENERAL ASSEMBLY - THE DEPARTMENT SHALL PREPARE AND SUBMIT AN ANNUAL REPORT TO THE GENERAL ASSEMBLY SUMMARIZING INFORMATION ON USED OIL COLLECTION AND RECYCLING, ANALYZING THE EFFECTIVENESS OF THE ACT'S PROVISIONS AND THEIR IMPLEMENTATION, AND MAKING RECOMMENDATIONS FOR ANY NECESSARY CHANGES IN THE PROVISIONS OR THEIR ADMINISTRATION.

(H) USED OIL PRODUCTS - (1) A PERSON MAY REPRESENT ANY PRODUCT MADE IN WHOLE OR IN PART FROM USED OIL TO BE SUBSTANTIALLY EQUIVALENT TO A PRODUCT MADE FROM NEW OIL FOR A PARTICULAR END USE IF THE PRODUCT CONFORMS FULLY WITH THE SPECIFICATIONS APPLICABLE TO THAT PRODUCT MADE FROM NEW OIL ~~AND~~ OR IF SUBSTANTIAL EQUIVALENCY HAS BEEN DETERMINED IN ACCORDANCE WITH RULES PRESCRIBED BY THE FEDERAL TRADE COMMISSION UNDER SECTION 383(D) (1) (A) OF THE ENERGY POLICY AND CONSERVATION ACT, P.L. 94-163. OTHERWISE, THE PRODUCT MUST BE REPRESENTED AS MADE FROM PREVIOUSLY USED OIL.

(2) ALL OFFICIALS OF THIS STATE AND ANY OF ITS AGENCIES OR OF ANY POLITICAL SUBDIVISIONS AND PERSONS HOLDING CONTRACTS WITH THE STATE OR ANY OF ITS POLITICAL SUBDIVISIONS SHALL ENCOURAGE AND TO THE EXTENT POSSIBLE REQUIRE THE PROCUREMENT AND PURCHASE OF RECYCLED OIL PRODUCTS REPRESENTED AS SUBSTANTIALLY EQUIVALENT TO PRODUCTS MADE FROM NEW OIL IN ACCORDANCE WITH THIS SECTION WHENEVER SUCH PRODUCTS ARE AVAILABLE AT PRICES COMPETITIVE WITH THOSE OF NEW OIL PRODUCED FOR THE SAME PURPOSE.

(I) PENALTIES - (1) ANY PERSON WHO VIOLATES ANY PROVISION OF THIS SECTION OR ANY RULE OR REGULATION ISSUED PURSUANT THERETO, IN ADDITION TO ANY OTHER PENALTIES SPECIFICALLY PROVIDED BY LAW, SHALL BE SUBJECT TO A CIVIL PENALTY NOT EXCEEDING \$250 FOR EACH VIOLATION.

(2) ANY PERSON WHO COMMITS A SECOND OR SUBSEQUENT VIOLATION OF ANY PROVISION OF THIS SECTION OR ANY RULE OR REGULATION ISSUED PURSUANT THERETO, IN ADDITION TO ANY OTHER PENALTIES SPECIFICALLY PROVIDED BY LAW, IS GUILTY OF A MISDEMEANOR AND UPON CONVICTION IN A COURT OF COMPETENT JURISDICTION, IS SUBJECT TO A FINE NOT EXCEEDING \$1,000 OR IMPRISONMENT NOT EXCEEDING TWO MONTHS, OR BOTH, WITH COSTS IMPOSED IN THE DISCRETION OF THE COURT.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 1978.

Approved May 2, 1978.
